

RES12-076

Wilmington, Delaware
November 15, 2012

#3752

Sponsors:

Council
President
Griffiths

Council
Member
Congo

WHEREAS, the Council Member elected from the First Councilmanic District, Charles Potter, Jr., was elected on November 6, 2012 during the general election to the Delaware House of Representatives; and

WHEREAS, pursuant to the Delaware Constitution, Schedule Section 4, his term of office as a Representative began on November 7, 2012; and

WHEREAS, the Delaware Constitution, Article II, Section XIV prohibits him from holding an incompatible office during his term of office as a Representative; and

WHEREAS, Council Member Charles Potter, Jr. decided that he should resign his office as the First Councilmanic District's Council Member in order to take office as a State Representative; and

WHEREAS, Council Member Potter, Jr. submitted a letter of resignation from the Wilmington City Council to Council President Griffiths who accepted it with sincere regret; and

WHEREAS, Council Member Potter, Jr.'s resignation was effective on November 6, 2012 at 8:00 p.m.; and

WHEREAS, Council Member Stephen L. Martelli resigned his office as the Eighth Councilmanic District's Council Member on May 31, 2012; and

WHEREAS, pursuant to Section 2-101 of the City Charter, when such a vacancy occurs more than thirty (30) days prior to the date of a primary election in which City officers are nominated, it shall be filled in the next succeeding general

election held in the City and City Council shall appoint a person to the position pending that election; and

WHEREAS, City Council appointed Tracey Thomson Schofield to fill the vacancy created by the aforesaid resignation of Council Member Stephen L. Martelli; and

WHEREAS, one of the At-Large Council Members, Charles M. Freel, was elected on November 6, 2012 during the general election to serve the Eighth Councilmanic District; and

WHEREAS, pursuant to Section 2-101 of the City Charter, Council Member Freel shall take office to fill the vacancy in the Eighth Councilmanic District on November 13, 2012; and

WHEREAS, Council Member Freel submitted a letter of resignation from his At-Large position on the Wilmington City Council to President Griffiths who accepted it; and

WHEREAS, Council Member Freel's resignation was effective as of the close of business on November 12, 2012.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that it is with deep regret that, effective as of November 6, 2012 at 8:00 p.m., this Council accepts the resignation of Charles Potter, Jr., City Council Member from the First Councilmanic District, and that, effective as of the close of business on November 12, 2012, this Council accepts the resignation of Charles M. Freel, City Council Member At-Large.

FURTHER RESOLVED, that City Council, as required by Section 2-101 of the City Charter, formally declares that: the First Councilmanic District position is vacant as of November 6, 2012 at 8:00 p.m. and an At-Large position is vacant as of the close of business on November 12, 2012; both vacancies shall be filled pursuant to appointments made by the City Council, based upon guidance received from the Delaware Attorney General's Office.

Passed by City Council,
November 15, 2012

ATTEST: Maribel Seijo
City Clerk

Approved as to form this 15th day
of November, 2012.

John R. Meritt
City Solicitor

SYNOPSIS: This Resolution accepts the resignations of Council Members Charles Potter, Jr. and Charles M. Freel and formally declares a vacancy in the First Councilmanic District and a vacancy At-Large, which shall be filled by appointments made by the City Council, based upon guidance received from the Delaware Attorney General's Office.